

One-Sided Passion Over Health Care Case

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The Supreme Court case of *Department of Health and Human Services v. Florida* which is seeking to overturn the health care bill passed by President Obama in 2010 is creating an interesting and telling political dynamic. Efforts to repeal the bill, particularly the individual mandate which requires uninsured Americans to buy health care or else face a fine, may seem extremely polarizing at first glance, but it is not that simple.

The polarization and passion around this case is largely one-sided. Conservatives, for a number of reasons, some having to do with wanting to limit the reach of the federal government, others more due to extreme and irrational hatred for President Obama, want to repeal the bill. Progressives, on the other hand, do not feel a similar passion. Very few people on the left believe that a mandate requiring people to buy health insurance is the kind of thing that is truly worth fighting for. Many progressives, and conservatives, seem happy with parts of the bill, such as requiring insurance companies to cover pre-existing conditions, but there is little excitement on the left for the individual mandate, or even the bill in its entirety.

The discussion and the debate around the health care bill, even following its passage, illustrates the disconnect between the Obama White House and the activist wing of the Democratic Party. The bill itself was viewed as a tremendous, even defining, accomplishment by the White House, but many progressives saw the bill as a badly put together compromise which cost the country its best chance at a genuine single payer universal health care program for at least a generation. Similarly, while the Obama administration, and its right wing activist opponents, the two sides represented in current case, see this bill as a major piece of legislation which will meaningfully, for better or for worse, change the country, many ordinary Americans have already forgotten about the bill, partially because it has not yet had time to make an impact, but also partially because it not the major piece of legislation that the White House and its opponents seem to think it is.

It is in this context, as well as that of a presidential election, in which the court's decision will be made. The court could uphold the law, overturn the individual mandate or overturn the entire bill. Regardless of the decision, the right will be able to use the case and its outcome as a way to mobilize the base. If the bill, or any part of it is overturned, they will argue that the courts agree that Obama is trying to unlawfully expand the government and needs to be stopped. If the bill is not overturned, the right will fall back into its now familiar, and tiresome, narrative of victimhood and mobilize its base by arguing that they now have to fight even harder to defeat big government.

For Obama and the Democrats, the decision will have a very different impact. If the law is upheld, it will be a big victory for the White House, but not for the progressive movement. On balance, many on the left will be pleased by this verdict but it will fall short of being the kind of

decision that will mobilize progressive activists or that is viewed as a meaningful triumph. If the law is overturned, it will be a reminder of the import of the Supreme Court for presidential elections, but in the context of the now accelerated right wing attacks on women's rights few progressives need any reminder of this.

Currently, it seems as if health care reform is one of the major accomplishments which the Obama campaign will cite in their efforts to secure a second term for the President. If the bill is overturned by the Supreme Court, it is likely that the Obama campaign will focus on other accomplishments, such as the gradual economic recovery or the killing of Osama bin Laden. These issues are more likely to resonate with voters than the health care bill which is mostly remembered by Obama swing voters as a polarizing and ugly fight.

Therefore, losing this case would be a defeat for the Obama administration, but it does not have to be a devastating one. If the bill, or part of it is overturned, the right wing will, rightfully, present this as a major accomplishment, but it is an accomplishment that does little more than excite an already mobilized base. The Obama administration must find a way to take this defeat in stride if it occurs. Passing the bill was never the huge victory the administration thought it was, so seeing it overturned does not have to be experienced as a huge defeat. The administration would be best served by minimizing not just the defeat, but the bill itself by not talking about it much and moving on to things, like the recovering economy or the extremist social policies of the Republican Party.